

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Nomination Petition of Joy A. :  
Crudup-Dorsey As Democratic Party :  
Candidate for State Representative for :  
the 181<sup>st</sup> Legislative District :  
 : No. 159 M.D. 2022  
Objection of: Francis Folk : Heard: April 7, 2022

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION  
BY JUDGE FIZZANO CANNON

FILED: April 8, 2022

Before the Court is the Petition to Set Aside Nominating Petition (Petition) of Francis Folk (Objector) seeking to set aside the nominating petitions of Joy A. Crudup-Dorsey (Candidate) for the Democratic nomination for State Representative from the 181<sup>st</sup> Legislative District, which Objectors allege contain numerous invalid voter signatures. After a hearing held on April 7, 2022, we grant the Petition for the reasons that follow.

Objectors filed the Petition with this Court on April 4, 2022. Also on April 4, 2022, this Court issued a Scheduling and Case Management Order (Scheduling Order) that scheduled a hearing on the Petition for Thursday, April 7,

2022. *See* Scheduling Order, p.1, ¶ (1)(A).<sup>1</sup> The Court conducted the hearing on April 7, 2022, and the matter is now ripe for disposition.

Initially, to qualify for a major party ballot for Representative in the General Assembly, a prospective candidate must present a nominating petition containing at least 300 valid signatures of registered and enrolled members of the proper party. *See* 25 P.S. § 2872.1(14). Section 908 of the Election Code, 25 P.S. § 2868, as amended by Act of October 31, 2019, P.L. 552, No. 77, controls the requirements for nominating petition signature lines and provides as follows:

Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, [t]hat where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his address where he is duly registered and enrolled, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers[.]

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<sup>1</sup> At the hearing, the parties stipulated to proper service of the Petition upon Candidate and the Secretary of the Commonwealth. *See* Section 977 of the Election Code, 25 P.S. § 2937; *see also In re: Objections to Nominating Petitions for Pennsylvania General Assembly and State Party Committees – General Primary Election 2022* (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3), Notice and Order. The parties further stipulated that Objector has standing to object.

25 P.S. § 2868. Generally, a failure to comply with the requirements of Section 908 of the Election Code renders a signature line invalid. *See id.*; *see also In re Morrison-Wesley*, 946 A.2d 789 (Pa. Cmwlth. 2008); *In re Sunday Movie Petition*, 44 A.2d 46 (Pa. 1945).

In the instant matter, Candidate filed nominating petitions with the Department of State consisting of 21 pages purporting to contain 428 signatures. In the Petition, Objector challenges 265 signature lines of Candidate's nominating petitions as invalid for a variety of reasons, including: the signer was not a registered voter, the signer was not registered at the address listed, the signer was not registered in the District, the information contained on the nomination petition was illegible, line information was omitted, line information was in the hand of another, the signer used a nickname or initial instead of his actual name, the signer printed his signature or failed to print his name, or "other" reasons that would support invalidity. *See* Petition, Exhibit B.

With regard to the specific signature challenges, Objector secured the services of an operator of the Statewide Uniform Registry of Electors (SURE) System. With the aid of the SURE System operator, the parties stipulated that 125 of the lines contained in the various nominating petitions were invalid.<sup>2</sup> The Court then determined that an additional 10 signature lines were invalid for various

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<sup>2</sup> The parties stipulated to the invalidity of the following nomination petition signature lines: Page 1, Lines 18-23 & 28-29; Page 2, Lines 1-8, 14-17, 19, 21-22, 26-27 & 29-30; Page 3, Lines 2-3, 7, 9-12, 15-18, 21-22 & 25; Page 4, Lines 16, 18, 23-26 & 30; Page 5, Lines 2, 7, 13-14, 16, 18, 20 & 23-28; Page 6, Lines 1, 3, 12-13, 20 & 27-28; Page 7, Lines 3-5, 7-8, 11, 13-14, 20-21, 23 & 27; Page 8, Lines 1-14, 17, 19-22 & 24-28; Page 9, Lines 3, 9, 12, 14, 19 & 22; Page 10, Lines 1, 8, 14 & 17; Page 11, Lines 2, 3, 5, 20 & 23; Page 12, Lines 4, 8-9, 11, & 17; Page 14, Lines 2 & 4; Page 15, Lines 5-7; Page 17, Lines 11 & 15.

reasons,<sup>3</sup> leaving Candidate with only 293 valid signatures, which is less than the 300 signatures required by statute to appear on the 2022 Democratic Primary ballot.

Accordingly, for the reasons set forth above, the Court grants the Petition.

s/Christine Fizzano Cannon

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CHRISTINE FIZZANO CANNON, Judge

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<sup>3</sup> The Court struck the additional nomination signature lines for the following reasons: Page 14, Line 7 – information entered with “ditto” marks, *see In re Nomination of Delle Donne*, 779 A.2d 1, 13 (Pa. Cmwlth.), *aff’d*, 777 A.2d 412 (Pa. 2001); Page 3, Lines 4, 5 & 6 – incomplete addresses, *see In re Payton*, 945 A.2d 281 (Pa. Cmwlth.), *aff’d*, 945 A.2d 162 (Pa. 2008); Page 4, Line 27 – in the hand of another (signature does not match SURE System), *see In re Morrison-Wesley*, 946 A.2d 789 (Pa. Cmwlth.), *aff’d*, 944 A.2d 78 (Pa. 2008); Page 5, Line 12 – in the hand of another (signature does not match SURE System), *see id.*; Page 6, Line 14 – not registered; Page 7, Lines 9, 10 & 12 – information in the hand of another, *see id.*

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 : No. 159 M.D. 2022  
Objection of: Francis Folk :

ORDER

AND NOW, this 8th day of April, 2022, the Petition to Set Aside Nominating Petition of Francis Folk is GRANTED.

The Secretary of the Commonwealth of Pennsylvania (Secretary) shall not include the name of Joy A. Crudup-Dorsey as a Democratic Candidate for the office of State Representative for the 181<sup>st</sup> Legislative District for the May 17, 2022 general primary election.

The Prothonotary shall notify the parties hereto and their counsel of this order and shall also certify a copy hereof to the Secretary forthwith.

s/Christine Fizzano Cannon

CHRISTINE FIZZANO CANNON, Judge